

IN THE MATTER OF PATRIOT MEDIA)	<u>CABLE TELEVISION</u>
AND COMMUNICATIONS CNJ, LLC.)	
FILING OF AN AGGREGATE FCC)		
FORM 1205 DETERMINING)	
REGULATED INSTALLATION AND)	STATE OF NEW JERSEY
EQUIPMENT COSTS USING THE)	BOARD OF PUBLIC UTILITIES
OPTIONAL EXPEDITED RATE)	
PROCEDURES)	BPU DOCKET NUMBER CR03080597

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the FCC Form 1205 and timely filed public comments in this matter hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and

As part of the Optional Expedited Rate Procedures (Approved January 12, 1996, Docket No. CX95120636), Patriot Media & Communications CNJ, LLC. ("Petitioner") agreed to waive the Company's litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the Federal Communications Commission ("FCC") rules nor did it affect the Company's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. § 543 et seq., (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public, educational and governmental channels) and associated equipment and installation and (ii) cable programming services ("CPS") (consisting of other tiers of channels) and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority," and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the franchising authority is the Board of Public Utilities; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. § 76.900 et seq., a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. § 76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on August 1, 2003, Petitioner, serving subscribers within the Boroughs of

Bernardsville, Chester, Far Hills, Flemington, Lebanon, Mendham, Millstone, Peapack/Gladstone, Princeton, and Rocky Hill, the Townships of Bedminster, Bethlehem, Branchburg, Chatham, Chester, Delaware, East Amwell, Franklin (Hunterdon County), Franklin (Somerset County), Harding, Hillsboro, Long Hill, Mendham, Montgomery, Princeton, Raritan, Readington, Tewksbury, and Union, and the Town of Clinton filed Form 1205, Docket Number CR03080597, with the Board, seeking approval of regulated installation and equipment rate adjustments listed on the attached Schedule A; and

WHEREAS, certain installation and equipment rates reflected on Schedule A were previously approved by the Board in Docket No. CR0210044; and

WHEREAS, Petitioner proposes to add additional installation service categories or descriptions to more accurately reflect the services provided to its customers and detail same on customer bills, and has calculated the rates for the added installation activities using the Board approved hourly service charge; and

WHEREAS, all equipment and installation rates reflected on Schedule A will remain in effect for the time period from November 1, 2003 to October 31, 2004; and

WHEREAS, the parties upon review of the FCC Form 1205, supporting documentation and schedules thereto agree that the proposed rates are just and reasonable; and

WHEREAS, the Staff, the Ratepayer Advocate and Petitioner have engaged in discussions of this matter; and

WHEREAS, the Staff, the Ratepayer Advocate and Petitioner have concluded that the Company is entitled to the agreed upon rates which it seeks in its aggregate FCC 1205 filing;

NOW, THEREFORE, Staff, the Ratepayer Advocate, and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner notified its customers of the proposed rate changes via newspaper announcements and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date for the rates for equipment and installation services under Docket Number CR03080597 is November 1, 2003.
3. These stipulated rates shall be subject to the approval of the Board and all revenues collected as a result of these rates shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds these rates to be unjustified in whole or in part or in any way implemented improperly.
4. This Stipulation of Settlement resolves all issues raised by the filing which is the subject

of the within matter.

5. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by specific items, by inference, inclusion, or deletion, in any way to be considered or used by another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other proceedings.

This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures in the event that any modification is made to the terms of this Stipulation. That is, the signatory party must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore, they are made an

integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.

**GLORIA J. FURLONG
OFFICE OF CABLE TELEVISION**

DATED:

By: _____
Supervising Administrative Analyst

**SEEMA M. SINGH ESQ.,
RATEPAYER ADVOCATE**

DATED:

By: _____
Jose Rivera-Benitez, Esq.
Deputy Ratepayer Advocate

**PATRIOT MEDIA &
COMMUNICATIONS CNJ, LLC.**

DATED:

By: _____
Jonathan P. Cahill.
Controller

SCHEDULE A

BOARD

ALL SERVICES	APPROVED RATES	RATES 11/01/2003	INCR/ (DECR)	%
Installation - Standard Never Wired	\$50.00	\$41.65	(\$8.35)	-16.7%
Installation - Previously Wired Home	\$30.00	\$23.43	(\$6.57)	-21.9%
Installation - Additional Outlet-Original Trip	\$15.62	\$15.62	\$0.00	0.0%
Installation - Additional Outlet-Separate Trip	\$20.94	\$20.94	\$0.00	0.0%
Relocation Of Outlet Same Trip (Interior Work Only)	N/A	\$15.62	\$15.62*	
Relocation Of Outlet Separate Trip (Interior Work Only)	N/A	\$20.94	\$20.94*	
Repair Drop Cable Cut By Customer/Landscaper	\$20.94	\$20.94	\$0.00	0.0%
VCR, Picture In Picture Installation Same Trip	N/A	\$15.62	\$15.62*	
VCR, Picture In Picture Installation Separate Trip	N/A	\$20.94	\$20.94*	
Video Game, A/B Switch Or Parental Control Device Installation Same Trip	N/A	NO CHARGE	\$0.00	0.0%
Video Game, A/B Switch Or Parental Control Device Installation Separate Trip	N/A	\$15.62	\$15.62*	
Wallfish (Per 1/2 Hour)	\$15.62	\$15.62	\$0.00	0.0%
Converter Installation Separate Trip	N/A	\$15.62	\$15.62*	
Remote Control Installation Separate Trip	N/A	\$10.47	\$10.47*	
Unnecessary Trip Charge	N/A	\$10.47	\$10.47*	
Install High Definition (HDTV) Equipment Same Trip	N/A	NO CHARGE	\$0.00	0.0%
Install High Definition (HDTV) Equipment Separate Trip	N/A	\$15.62	\$15.62*	
Transfer Or Reconnection Of Service	\$30.00	\$20.94	(\$9.06)	-30.2%
Relocation Of Drop (Exterior Only)	N/A	\$15.62	\$15.62*	
Hourly Service Charge	\$31.24	\$31.24	\$0.00	0.0%
Addressable Change Of Service	N/A	\$1.99	\$1.99*	
Analog Converter Box	\$2.00	\$2.00	\$0.00	0.0%
Digital Converter Box	\$3.95	\$3.95	\$0.00	0.0%

* - New Service